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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Mark Wisniewski et al

Art Unit: 3727

Serial No: 09/408,634

Examiner: R. Hylton

Filed: September 30, 1999

For: DIRECTIONALLY PEELABLE CLOSURES AND ARTICLES USING THE SAME

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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

ELECTION

This paper is responsive to the Office Action dated June 27, 2000. The period for response expires July 27, 2000.

The Examiner has required Applicants, under 35 U.S.C. §121, to elect one of the following species:

- Group I: A container illustrated in Figure 8
- Group II: A container illustrated in Figure 9
- Group III: A container illustrated in Figure 10

Applicants provisionally elect the species of Figure 9, on which claims 1-20 and 22 read. Figure 9 illustrates a container, such as a box or envelope, having a flap with two closures. However, the requirement for election is respectfully traversed. The Examiner contends that there is no generic claim. Claim 1 reads on Figures 8, 9 and 10, and therefore is generic to species I-III.

The differences between species I-III lies in the configuration of the container. In all of the claimed and illustrated species, the closure of the container has an directionally peelable feature and is made up of a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, the upper of the first layer is peelably attached to the lower surface of the second layer at a separation interface, provided that when the closure is used to secure an article, at least one portion of the upper surface of the first layer or the lower surface of the second layer is not attached to the article. The closure may be used to secure a number of different containers, such as, for example, containers having lids and containers having one or more flaps. Therefore, Applicants respectfully traverses Examiner's statement that there is no generic claim present since claim 1 reads on species I-III.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By



Heidi A. Boehlefeld

Reg. No. 34,296

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113